

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JOSE EUCEDA, on behalf of  
himself and similarly situated  
employees,

Plaintiff

v.

MILLWOOD, INC.,

Defendant

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CIVIL ACTION NO. 3:12-0895

(JUDGE MANNION)

**ORDER**

For the reasons set forth in the Memorandum of this date, **IT IS  
HEREBY ORDERED THAT** the motion to dismiss filed by the defendant,  
(Doc. No. [24](#)), is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) The motion is **DENIED** with respect to Count I of the plaintiff's  
second amended complaint, (Doc. No. [21](#));
- (2) The motion is **GRANTED** with respect to Count II.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**DATED: August 26, 2013**